

REMARKS

The examiner has required applicant to elect under 35 USC §121 a ‘single invention’ between a device, and a method of manufacture. Before making this election, we offer reasons why the invention as claimed is all tied together.

The examiner on page 2 paragraph 1 states that “the inventions are distinct....because of the following reasons: the device could be formed by selective deposition.” Since the claimed process of manufacture of the device involves multiple depositions, including inside depositions followed by consolidation and then an outside deposition, and where the materials are selected for each deposition including doping central core section, ‘selective deposition’ is indeed within the claimed process. Indeed the manufacturing process must involve ‘selective depositions’ and the consolidation steps to get the unique properties claimed for the invention device. The examiner’s reasons for distinctness are unclear, vague and not distinguishing.

As to the examiner’s comments on page 2 second paragraph, it is understandable that the device and method of manufacture may subtend different classification, but as claimed the method is specific to the claimed device and should thus be considered together with the device. For searching purposes only one can see pursuit of one over the other, but all claims should be finally examined in conjunction with each other.

To fully satisfy the requirement under 35 USC §121, even though it is felt that the need to elect/restrict the invention have been traversed, the device claims 1-16, are selected for first searching/prosecution. It is hoped that when allowed claims are ascertained for the device the tightly associated method of manufacture claims will be reconsidered and allowed to issue with the invention.

With these remarks it is believed that the requirements of 35 USC, 37 CFR and the MPEP have been answered and the disclosure and claims are now in condition for examination as one whole invention. Consideration is respectfully requested. An early and favorable response is earnestly solicited. Thank you.

Respectfully submitted,

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